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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

11 In re
12 DAVID R. MICHAL,
13 Debtor.

Case No. 22-22056

Chapter 7

DCN: DM-1

**DEBTOR'S OBJECTION TO PROOF OF
CLAIM OF STEVEN D. SCHISLER
(CLAIM NO. 7)**

Judge: Hon. Christopher M. Klein

Date: January 10, 2024

Time: 10:00 a.m.

Place: Dept. C, Courtroom 35

21 **TO THE HONORABLE CHRISTOPHER M. KLEIN, UNITED STATES**
22 **BANKRUPTCY JUDGE; STEVEN D. SCHISLER; AND OTHER PARTIES ENTITLED**
23 **TO NOTICE:**

24 **THIS OBJECTION SEEKS DISALLOWANCE OF CLAIM NO. 7, FILED ON**
25 **OCTOBER 24, 2023.**

26 Pursuant to Section 502 of Title 11 of the United States Code (the "Bankruptcy Code")
27 and Federal Rule of Bankruptcy Procedure 3007, David R. Michal ("Debtor"), by and through
28 undersigned counsel, hereby objects to the claim ("Claim") in the above-captioned case filed by

1 Steven D. Schisler (“Claimant”) on the grounds that Claimant has not provided adequate
2 documentation, and the Claim is untimely.

3 **I. BACKGROUND**

4 Claimant, who has signed the Claim under penalty of perjury, alleges that he is owed
5 \$10,000,000.00 arising out of “Attny Fees, Vision Control Devices stock, Loss of income current
6 & future, Caused termination of employment[.]” Claimant further alleges that the Claim is
7 secured by a lien on property, which does not appear to be property of the estate. Claimant
8 appears to allege that the basis for perfection is an “Authorized agreement” described as “MOU
9 Stock Agreement VCD,” and refers to a Memorandum of Understanding.

10 **II. OBJECTIONS**

11 **Lack of Adequate Documentation.** The Claim lacks adequate documentation and
12 insufficient information to establish the basis for allowance. The scant information submitted with
13 the Claim does not support any claim, much less a claim in the amount of \$10,000,000.00.

14 The Claim fails to include any documentation demonstrating that the Claimant is the
15 holder of a secured claim, or that any purported lien has been perfected. No writing was filed with
16 the Proof of Claim demonstrating the Claimant’s interest in a secured claim.

17 The Claimant explicitly states that the money allegedly owed includes “Attny Fees” along
18 with three other categories of expenses that total exactly \$10 million. An itemized statement is
19 required to be filed with the Claim pursuant to Fed.R.Bankr.P. 3001(c)(2)(A).

20 **Untimely Filed.** The Claimant filed his Claim with this Court on October 24, 2023, eight
21 days after the Bar Date of October 16, 2023.

22 **III. NOTICE**

23 Pursuant to Local Rule 3007-1, notice of this Objection has been given to Claimant at the
24 address as it appears on the claims register. Claimant’s attention is directed to Local Bankruptcy
25 Rule 3007-1(b)(A), regarding any opposition to the relief required herein.

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1 **IV. CONCLUSION**

2 The Debtor respectfully requests that the Court enter an appropriate order disallowing or
3 expunging the Claim.

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5 Dated: November 14, 2023

DUANE MORRIS LLP

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7 By: /s/ Aron M. Oliner (152373)
8 ARON M. OLINER
9 Attorneys for Debtor, DAVID R. MICHAL